

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TRACY W. MAXWELL,

Plaintiff,

vs.

SARPY COUNTY CLERK OF COURT,
STATE OF NEBRASKA, TODD WEST,
Public Defender; and BEVERLY P.
HUETER, Court Reporter;

Defendants.

8:24CV94

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Tracy W. Maxwell's Motion for Leave to Proceed in Forma Pauperis ("IFP"), [Filing No. 15](#). On August 7, 2024, the Court granted Plaintiff's first Motion to Proceed IFP, [Filing No. 2](#), and ordered Plaintiff to pay an initial partial filing fee of \$4.94 on or before September 6, 2024. [Filing No. 7](#). The Court's August 7 order was returned to the Court as undeliverable, and the Court ordered Plaintiff to update his address with the Court by October 21, 2024. [Filing No. 9](#).

On October 2, Plaintiff filed a notice of change of address, [Filing No. 13](#), and, shortly thereafter on October 18, 2024, Plaintiff filed a second IFP Motion, again seeking leave to proceed in this case without payment of fees. [Filing No. 15](#). Because Plaintiff has already been approved to proceed IFP, the October 18 IFP Motion is moot and shall be denied. As it appears Plaintiff did not receive notice of the Court's August 7 order granting his first IFP motion, on its own motion, the Court will grant Plaintiff an extension to pay the initial partial filing fee. Plaintiff must pay the initial partial filing fee within 30 days of the date of this Memorandum and Order or his case will be subject to dismissal.

IT IS THEREFORE ORDERED that:

1. Plaintiff's October 18, 2024, Motion to Proceed IFP, [Filing No. 15](#), is denied as moot.

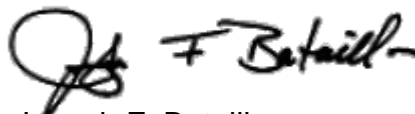
2. On the Court's own motion, Plaintiff shall have through and until December 23, 2024, to submit the \$4.94 initial partial filing fee in compliance with the Court's August 7, 2024, Memorandum and Order, [Filing No. 7](#).

3. The Clerk of Court is directed to send a copy of the Court's August 7, 2024, Memorandum and Order, [Filing No. 7](#), to Plaintiff and to the appropriate official at Plaintiff's current institution.

4. The Clerk of Court shall terminate the September 6, 2024, initial partial filing fee case management deadline set forth in the Court's August 7, 2024, Memorandum and Order, [Filing No. 7](#), and shall set the following pro se case management deadline of **December 23, 2024**: initial partial filing fee payment due.

Dated this 22nd day of November, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Court